

PUBLISHED IN THE WICHITA EAGLE ON MAY 4, 2006

**ORDINANCE NO. 47-019**

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PRIVATE PROPERTY, EASEMENTS AND RIGHT-OF-WAY THEREIN, FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR THE CONSTRUCTION AND IMPROVEMENT OF 37TH STREET NORTH FROM RIDGE TO TYLER IN THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS; DESIGNATING THE LANDS REQUIRED FOR SUCH PURPOSES AND DIRECTING THE CITY ATTORNEY TO FILE A PETITION IN THE DISTRICT COURT OF SEDGWICK COUNTY, KANSAS, FOR ACQUISITION OF THE LANDS AND EASEMENTS THEREIN TAKEN AND PROVIDING FOR PAYMENT OF THE COST THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That it be and is hereby declared to be a public necessity to acquire by eminent domain proceedings for the purpose of public right-of-way for improvement of 37th Street North from Ridge to Tyler in the City of Wichita, Sedgwick County, Kansas, the lands and easements hereinafter described in Section 2.

SECTION 2. That the description of the lands and title therein necessary for the purpose of such action is as follows:

Clear and complete title for the uses and purposes herein set forth in and to the following-described tracts, to-wit:

The south 20.00 feet of the north 50.00 feet of the following described tract of land: Commencing at the NW corner of the NE1/4 of Section 33, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence 169.69 feet East along the North line of said quarter section to a point of beginning; thence South 1453.99 feet to a point on the Northeasterly Right-of-Way line of the Kansas and Oklahoma Railroad; thence SE along said Northeasterly Right-of-Way a distance of 796.79 feet; thence North a distance of 2073.61 feet to a point on the North line of said quarter section; thence West along the North line of said quarter section a distance of 506.42 feet to the point of beginning.

Commencing at the NE corner of the NW1/4, Section 33, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence East along the North line of said quarter section a distance of 676.11 feet; thence South a distance of 30.00 feet to a point of beginning; thence South a distance of 20.00 feet; thence East a distance of 141.19 feet; thence North a distance 20.00 feet; thence West a distance of 141.19 feet to the point of beginning.

The south 20.00 feet on the north 50.00 feet of the following described tract of land: Commencing at the NW corner of the NE1/4 of Section 33, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence east along the north line of said NE1/4,

169.69 feet; thence south 1453.99 feet to a point on the northeasterly right-of-way line of the Kansas and Oklahoma Railroad; thence northwesterly along said northeasterly right-of-way line, 1869.74 feet to a point on the north line of the NW1/4 of said Section 33; thence east along the north line of said NW1/4 to the point of beginning.

And a permanent easement for the construction, maintenance, and repair of drainage and utility structures and related facilities in and to the following-described tract, to-wit:

The South 15.00 feet of the North 65.00 feet of the following described tract of land: Commencing at the NW corner of the NE1/4 of Section 33, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence East along the North line of said quarter section a distance of 169.69 feet to a point of beginning; thence South a distance of 1453.99 feet to a point on the Northeasterly Right-of-Way line of the Kansas and Oklahoma Railroad; thence SE along said Northeasterly Right-of-Way a distance of 769.79 feet; thence North a distance of 2073.61 feet to a point on the North line of said quarter section; thence West along the North line of said quarter a distance of 506.42 feet to the point of beginning.

Commencing at the NE corner of the NW1/4, Section 33, Township 26 South, Range 1 West, of the 6th P.M., Sedgwick County, Kansas; thence East along the North line of said quarter section a distance of 676.11 feet; thence South a distance of 50.00 feet to a point of beginning ; thence South a distance of 20.00 feet; thence East a distance of 335.04 feet; thence North a distance 20.00 feet; thence West a distance of 335.04 feet to the point of beginning.

The south 20.00 feet on the north 50.00 feet of the following described tract of land: Commencing at the NW corner of the NE1/4 of Section 33, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence east along the north line of said NE1/4, 169.69 feet; thence south 1453.99 feet to a point on the northeasterly right-of-way line of the Kansas and Oklahoma Railroad; thence northwesterly along said northeasterly right-of-way line, 1869.74 feet to a point on the north line of the NW1/4 of said Section 33; thence east along the north line of said NW1/4 to the point of beginning.

And temporary construction easements for placement of fill, drainage construction, and access in and to the following-described tracts, to-wit:

The south 10.00 feet of the north 60 feet of the following described tract of land: Commencing at the NW corner of the NE1/4 of Section 33, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence east along the north line of said NE1/4, 169.69 feet; thence south, 1453.99 feet to a point on the northeasterly right-of-way line of the Kansas and Oklahoma Railroad; thence northwesterly along said northeasterly right-of-way line, 1869.74 feet to a point on the north line of the NW1/4 of said Section 33, thence east along the north line of said NW1/4 to the point of beginning

SECTION 3. That the City Attorney is hereby authorized and directed to commence proceedings in eminent domain in the District Court of Sedgwick County, Kansas, for the appropriation of said lands and determination of the compensation to be awarded for the taking thereof.

SECTION 4. That the costs of said acquisition when ascertained shall be paid from General Obligation Bonds to be issued for the costs of such improvements; PROVIDED, however, should the City of Wichita acquire said property (and said City hereby reserves its right to abandon the condemnation as to any of all tracts) that General Funds are available for said purpose as provided by law.

SECTION 5. That the costs of said acquisition shall be charged to the City of Wichita

SECTION 6. That this Ordinance shall take effect and be in force from and after its passage and publication once in the official City paper.

ADOPTED at Wichita, Kansas, this 2nd day of, May, 2006.

**CITY OF WICHITA**

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Carlos Mayans, Mayor

**ATTEST:**

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Karen Sublett, City Clerk

**APPROVED AS TO FORM:**

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Gary E. Rebenstorf, Director of Law